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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

ADDENDUM

1. As indicated in paragraph 5 of my report to the Security Council on the situation concerning Western Sahara dated 27 April 1999 (S/1999/483), the present addendum contains the text of the five documents that I transmitted to the two parties to the Settlement Plan, Morocco and the Frente Polisario, following the discussions between their representatives and the United Nations, held at Headquarters from 12 to 26 April 1999.

2. The documents are entitled:

- Protocol on the identification of the remaining individual applications from candidates belonging to tribal groupings H41, H61 and J51/52;

- Operational directives for the identification of the remaining individual applications from candidates belonging to tribal groupings H41, H61 and J51/52;

- Appeals process for the referendum in Western Sahara;

- Operational directives for the implementation of the appeals process;

- Time-frame for the implementation of the Settlement Plan.

3. In a letter dated 7 May 1999, addressed to me by the Minister for Foreign Affairs and Cooperation of the Kingdom of Morocco, Mr. Mohammed Benaissa the Moroccan Government informed me of its official position concerning the modalities proposed in these documents. In a letter dated 28 April 1999, addressed to me by the Secretary-General of the Frente Polisario, Mr. Mohammed Abdelaziz, the Frente Polisario also informed me of its official position regarding the proposed modalities. The content of these letters has been brought to the attention of the members of the Security Council (see S/1999/554 and S/1999/555).

4. I intend, on this basis, to carry out the necessary preparatory work for the resumption of the identification operation on 15 June 1999 and the beginning of the appeals process on 15 July 1999.

Protocol on the identification of the remaining individual applications from candidates belonging to tribal groupings H41, H61 and J51/52

1. In order to complete the processing of all the individual applications provided for in paragraph 20 of the report of the Secretary-General, S/22464 of 19 April 1991, the identification of applicants belonging to tribal groupings H41, H61 and J51/52 who have not yet had a chance to present themselves will take place beginning on 15 June 1999. The necessary arrangements for the implementation and practical application of this protocol shall be made by the Commission and the parties by 1 June 1999.

2. All registered applicants may present themselves for identification under the provisions of annex I of the report of the Secretary-General, S/1997/742 of 24 September 1997.

3. The applicants shall not be included in the provisional list of voters by the Identification Commission until they have been identified and have met one or more of the five criteria.

4. The identification will take place only at the Laayoune, Boujdour, Dakhla, Smara camp, Zouerate, Nouadhibou, Assa, Taroudant, Tan-Tan, Guelmim, Tata, Ouarzazate and Rabat field offices.

5. In planning the identification process, the Commission shall grant priority to the centres receiving applicants eligible for repatriation.

6. The sheikhs already appointed for H41 and J51/52 may continue the identification process.

7. With regard to tribal grouping H61, separate sessions, by tribe, shall be held for the applicants who present themselves and who belong to the following four tribes: Ait Ousa, Ait-en-Nos, Azoafit and Cheraga.

8. With regard to tribal grouping H61, the appointment of the sheikhs shall not require the agreement of the other party, since no qualification is required other than that the applicant must have reached the age of 18 by 31 December 1993.

9. The parties shall each appoint two sheikhs for the identification of the applicants from the Ait Ousa tribe in Morocco, in the Territory, in Mauritania and in the Tindouf region, to allow for the simultaneous identification of applicants, the first pair of whom shall be appointed before 1 June 1999 and the second before 1 August 1999. Similarly, a second sheikh should be identified by

the Frente Popular para la Liberación de Saguía al-Hamra y del Río de Oro (Frente POLISARIO) for the identification of applicants from the Azoafit tribe.[1]

10. With regard to the applicants from the following tribes, the two sheikhs (A, Lamiar and B, Azoafit) appointed in December 1997 shall participate in the identification process; they may be assisted by one adviser for each tribe:

Ait Yarra	Rif	Gomara
Beni Buyahi	Rhamena	Zinatti
Beni Zerual	Seragna	Lamiar[2]
Chenagla	Ulad Aisa	
Entifa	Ulad Set-Tut	

11. The Commission shall establish the number of identification days in each centre, in order to allow enough time to identify the applicants from each tribe or tribal group presenting themselves, estimated at 120 per day.

12. The number of days allocated to each group/tribe shall be calculated so that 80 per cent of all registered applicants may be identified at the rate of 120 applicants per day. Additional days shall be allocated at the end of the programme only where, on the last day scheduled for the identification of the group, applicants remain who have come forward and been registered and the Commission has been unable to process their identification, and where the daily average of persons identified has been over 100 for the scheduled period. The identification process shall be halted if the average number of persons presenting themselves drops below 20 per day for three consecutive days.

13. The Commission shall publish the dates of the identification sessions in the local press and through the parties.

14. The Commission shall inform the tribal chiefs that a minimum of 120 and a maximum of 130 persons should present themselves each day, grouped by families as far as possible.

15. The Commission shall accept the written observations and complaints of the parties, in accordance with the procedures followed during the identification of the other groupings. The wilful absence of a sheikh or of observers from one of

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[1] The H61 Azoafit sheikh appointed by the Frente Polisario shall participate in the identification of the 13 tribes included in the grouping, while the second Azoafit sheikh shall participate in simultaneous identification sessions for the Azoafit tribe.

[2] The H61 sheikh appointed by Morocco is from the Lamiar tribe.

the parties at the identification sessions in progress should not be grounds for interrupting a session.

16. The identification programme for tribal groupings H41, H61 and J51/52 shall be completed at the latest by 30 November 1999, unless additional days are required under the provisions of paragraph 12 above.

Operational directives for the identification of remaining individual applications from candidates belonging to tribal groupings H41, H61 and J51/52

The identification of the remaining applicants from tribal groupings H41, H61 and J51/52 who present themselves shall be carried out in accordance with the regulations, procedures and guidelines that have governed the identification process since it began in 1994. However, bearing in mind the provisions of the Houston Agreements on the identification of these three groupings and the package of proposals submitted to the parties by the Secretary-General of the United Nations in October 1998, the Identification Commission, in consultation with the parties, is issuing the following guidelines and regulations. Any subsequent modifications of these guidelines and regulations shall be decided in consultation with the parties.

I. Planning and scheduling

1. Duration and daily average number of identifications

(i) The duration of the identification of the remaining applicants belonging to tribal groupings H41, H61 and J51/52 who present themselves shall be as provided in the provisional schedule. The identification operation shall begin on 15 June 1999.

(ii) The number of days allocated in each centre to each group or sub-group of the three tribal groupings shall be established so that 80 per cent of the total number of applicants registered as residents in the jurisdiction of this centre may be identified at the rate of 120 applicants per day.

(iii) The Commission shall carry out the identification for five full days each week over a period to be decided by agreement. If, during any one day, the number of applicants presenting themselves for identification surpasses the anticipated daily average, the Commission shall adopt a special procedure consisting of distributing different-coloured tickets to the applicants, giving them priority in the queue for another day.

(iv) The Commission shall halt the identification operations scheduled for a given group in a centre if the number of applicants presenting themselves for identification drops below an average of 20 per day for three consecutive days.

(v) If, at the end of the period granted to a given tribal group under the provisional schedule, other applicants present themselves for identification, the Commission shall have them complete the preparatory identification formalities (including the taking of photographs and fingerprints and the establishment of a file) and may grant additional identification days at the end of the programme, provided that an average of at least 100 applicants identified daily in the centre has been maintained for this group.

2. Identification localities and centres

(i) The parties shall make available to the Commission suitable premises to serve as identification centres in Laayoune, Boujdour, Dakhla, Smara camp, Tan-Tan, Tata, Taroudant, Assa, Guelmim, Ouarzazate and Rabat. The Commission shall take the necessary steps to find similar premises in Nouadhibou and Zouerate.

(ii) The parties shall also provide, separately, suitable lodgings for the identification teams, delegations from the other party, including the sheikhs and tribal advisers, and Organization of African Unity (OAU) observers. The Commission shall be responsible for finding similar lodgings in Nouadhibou and Zouerate.

(iii) The parties shall provide all the necessary facilities for the use of the airports closest to the identification centres. They shall also provide road transport where the Commission deems it necessary.

(iv) The advisers to the H61 tribal chiefs shall enjoy the same privileges and immunities as those accorded to the sheikhs.

3. Dissemination of information on identification

(i) The Commission and the parties shall disseminate as widely as possible relevant information on the identification operation, especially on the following points:

- Tribal groupings;

- Identification schedule for each tribal grouping;

- Localities and sites of identification centres; number of applicants to be identified each day; the need to arrive in family groups to the extent possible; the working hours; and the need for the applicant to submit the relevant documents.

(ii) The parties shall provide the Commission with access to and use of all available media to communicate with the tribal groups by radio, television, local press and posters. The Commission shall also take the necessary steps to ensure that brochures giving applicants clear information on the procedures they should follow in the identification centre are distributed.

II. Identification operations

4. Identification

General rules:

(i) The implementation of the identification process shall be the responsibility of the Identification Commission;

(ii) The working hours and other arrangements to be made to carry out the identification programme so as to keep to the established schedule shall be at the discretion of the head of the centre.

(iii) The parties shall inform the Commission of all changes of residence of applicants by 1 June 1999. After that date, the applicant may be identified only at the centre in whose jurisdiction his registered place of residence is located.

(iv) The Commission shall provide the observers from the parties with a list of all the applicants from each tribal group residing in the jurisdiction of each centre.

5. Applicants

(i) The applicants shall be identified at the centre in whose jurisdiction the place of residence indicated on the form, or the residence notified to the Commission under paragraph 4 (iii) above, is located.

(ii) During the reception period, the applicants shall be informed that:

- They must prove their identity and their eligibility;
- They will be asked to give detailed information on the members of their family who are registered for identification;
- They will be asked to submit all the relevant documents in their possession;
- They must refrain from using any inappropriate language or making any political statements;
- The refusal by an applicant to be identified by a sheikh appointed for that purpose shall disqualify the applicant.

(iii) During the reception period, each applicant shall provide the Commission with detailed information on his tribal membership.

(iv) The applicants who do not present themselves for identification during the sessions scheduled for their tribal groupings at the centre in whose jurisdiction their place of residence is located shall lose their entitlement to identification.

6. Sheikhs

(i) Sheikhs shall be entitled to ask the applicants any relevant questions.

(ii) Sheikhs shall reply to all questions asked by the identification team and shall refrain from making comments on the testimony of their colleagues.

(iii) The wilful absence of one of the sheikhs during the identification session in progress shall not be grounds for halting that session.

(iv) The suspension of identification operations owing to force majeure or the illness of a sheikh may be offset, at the end of the programme that was halted, by granting an equal number of identification days as compensation for the centre concerned.

7. The observers for the parties

(i) The observers for the parties shall lend their full support to the Identification Commission in the performance of its tasks.

(ii) The observers for the parties shall comply with existing instructions and shall comment, in writing, on the operation of the centre and transmit their comments, within 24 hours, to the Chairman of the Identification Commission with a copy to the head of the centre. A copy of these comments shall, where appropriate, be placed in the applicant's file.

(iii) The observers for the parties shall refrain from any action designed to limit the questions put by the identification team to either the applicant or the sheikhs.

(iv) Wilful failure by the observers of either party to attend the identification sessions shall not be grounds for interrupting a session.

8. Advisers to the sheikhs

The role of advisers for tribal grouping H61 shall be limited to acting, where necessary, as adviser to the sheikhs. They shall not be authorized to speak to the applicants or to the identification team during the identification session.

9. Decisions on eligibility

Decisions on eligibility shall be taken at the centre where the identification takes place, taking into account the relevance of all the evidence, both oral and written, and all available information, including the comments of the parties and the data regarding other members of the applicant's family. The Commission shall make sure that, whatever its decision, whether positive or negative, the reasons for its decision, are clearly explained and

noted on the fact sheet. The monthly results of the identification process shall be communicated to the parties, if possible, at the start of the second fortnight of the following month and, at the latest, at the end of that month.

10. The provisional list

The provisional list of applicants from groupings H41, H61 and J51/52 judged eligible in 1999 shall be published upon completion of the identification process for the tribal grouping concerned. Publication of this list shall thus signal the start of the appeals process.

III. Special rules concerning the manner of conducting the identification

11. Identity and eligibility

(i) The Commission must first verify the applicant's identity. After establishing that his identity and membership in a tribal grouping have been correctly stated, the Commission shall decide whether or not the applicant is eligible under one of the five criteria. It is up to the applicant to prove that he is eligible.

(ii) The Commission shall place on record, in summary form, the evidence provided by the applicants and sheikhs in their oral testimony and shall make a note of the written evidence supplied by the applicants. The Commission shall take all this evidence into account in its decision.

12. Oral testimony of applicants and sheikhs

(i) Observers for the parties and for the sheikhs may not interrupt an applicant who is giving oral testimony.

(ii) The sheikhs shall treat applicants with respect and courtesy.

(iii) The sheikhs may consult the advisers without being interrupted by the observers for the parties.

(iv) Concordant testimony from the two sheikhs is not a sine qua non for eligibility. In the event of conflicting oral testimony from the two sheikhs, the Commission shall take a decision on eligibility in accordance with the provisions of paragraph 9 above.

(v) The testimony of the sheikhs shall be reported in French and in English to the observer for the Organization of African Unity.

(vi) Any applicant who refuses to appear before a designated sheikh for purposes of identification shall be disqualified.

13. Cases of reclassification

(i) Registered applicants who have been classified as belonging to tribal groupings H41, H61 and J51/52 and who would like to be identified as belonging to an entirely different tribal grouping should not, if they have never previously been convoked, present themselves for identification with the three groupings, but should file an appeal directly.

(ii) Registered applicants who have been classified as belonging to one of the tribal groupings H41, H61, and J51/52, but who would like to be identified as belonging to another group within those three groups, should come to the centre serving the area in which their residence is located during the period set aside for identification of the group to which they belong.

(iii) Applicants who present themselves for classification within the context of the preceding subparagraph shall be identified the following day, so as to give the identification centre time to notify the observers for the parties and to prepare the files. Applicants who present themselves for identification on the last day scheduled for the identification of the group concerned shall be identified that same day.

(iv) Applicants who have already been convoked as members of a group shall not be entitled to be identified as belonging to tribal groupings H41, H61 and J51/52.

Appeals procedures for the referendum in Western Sahara

1. Basis

The appeals procedures contained in this document are based on the settlement plan for Western Sahara, hereinafter referred to as the settlement plan (S/21360 of 18 June 1990 and S/22464 of 19 April 1991), the reports of the Secretary-General on the implementation of the settlement plan for Western Sahara (specifically, S/23299 of 19 December 1991, S/26185 of 28 July 1993, S/1997/742 of 24 September 1997 and S/1997/882 of 13 November 1997), the General Regulations for the Organization and Conduct of the Referendum in Western Sahara (8 November 1991 and S/26185, annex III, of 28 July 1993) and the terms of reference of the Identification Commission (S/26185, annex II).

2. Scope

These appeals procedures concern exclusively certain issues relating to eligibility to vote which arise within the context of the implementation of the settlement plan as indicated in the present document.

3. Competence of the Identification Commission

The Identification Commission is competent to establish and implement the appeals procedures and to see to it that they are in accordance with the General Regulations.

4. Promulgation and date of entry into force

The appeals procedures contained in this document shall be published by the Special Representative of the Secretary-General and shall take effect as of 15 July 1999, date of publication of the first part of the provisional list of persons eligible to participate in the vote.

5. Definitions

Applicant:	Anyone who files an appeal in accordance with the procedures outlined in this document.
Candidate for identification:	Anyone who has filed with the Identification Commission a form requesting identification, or anyone on whose behalf such a form has been filed.
Criteria:	The five criteria for establishing eligibility to participate in the referendum, outlined in documents S/23299 of 19 December 1991 and S/26185, annex I, of 28 July 1993.
MINURSO:	United Nations Mission for the Referendum in Western Sahara.
Provisional list:	Provisional list of persons entitled to participate in the vote, published by the Special Representative upon completion of the identification process, the first part of which will include those identified up until September 1998; the other parts will contain the names of those identified in 1999.
Parties:	The Moroccan Government and the Frente POLISARIO.
Special Representative:	The Special Representative of the Secretary-General for the referendum in Western Sahara.

6. Communication to the parties and publication

(a) This document shall be communicated to the parties, through their respective coordinators and offices, in 10 copies, in French, Arabic and Spanish.

The Coordinator for the
Moroccan Government with
MINURSO at Laayoune

The Coordinator for the
Frente POLISARIO with
MINURSO at Tindouf

This document shall also be communicated to the principal observer for the Organization of African Unity (OAU) at Laayoune.

(b) This document shall be posted visibly in each of the identification centres/field offices established or to be established in the Territory of Western Sahara (Laayoune, Boujdour, Smara, Dakhla), in the Tindouf region in Algeria (the camps of Smara, El Aiun, Dakhla and Awsard), in Morocco (Tan Tan, Guelmim, Marrakesh, El-Kelaa-des-Srahna, Rabat, Casablanca, Meknes and Sidi Kacem and, as from 1 October 1999 onwards, at Assa, Tata, Taroudant and Ouarzazate and in Mauritania (Zouerate and Nouadhibou).

(c) The Identification Commission shall provide a copy of this document free of charge, in French, in Spanish or in Arabic, to any person wishing to file an appeal in one of the centres/field offices.

7. Definitive nature

Appeals procedures regarding the referendum in Western Sahara may not be challenged in the Appeals Chamber.

8. Referral to the Appeals Chamber

The appeals procedures referred to in this document may be instituted by:

(a) Any candidate for identification who has turned 18 years of age by 31 December 1993 and whose name does not appear on the provisional list of persons entitled to participate in the vote published by the Special Representative (hereafter called case of "non-inclusion"), who can establish that he meets the conditions required for participation in the vote under one or more than one criterion.

(b) Any candidate for identification whose name is on the provisional list of persons entitled to participate in the vote published by the Special Representative, and who can establish that the Identification Commission should not have included another person on the said list (hereafter called case of "inclusion"), in accordance with the criteria referred to in article 5.

(c) Anyone whose name is on the revised list drawn up by the Identification Commission in 1991 of persons included in the Spanish census of 1974 in Western Sahara and who has not been convoked by the Identification

Commission for purposes of identification and has expressed the wish to be so convoked prior to 3 September 1998.

9. Grounds for appeal

There are four grounds for appeals against non-inclusion in the provisional list and two grounds for appeals challenging inclusion.

1. Appeals against non-inclusion: An appeal may be filed by:

(i) Any candidate for identification who filed a form with the Identification Commission prior to 13 November 1997 and whom the Commission failed to convoke or to identify, or any person on whose behalf such a form was filed;

(ii) Any candidate for identification who was convoked by the Commission, but who, for reasons beyond his control, did not appear before it, provided that a written communication explaining the reasons for the failure to appear, was addressed to the Commission prior to or within 30 days following the date of the convocation;

(iii) Candidates for identification who have appeared before the Identification Commission but who, in the latter's estimation, have not established their eligibility to vote according to the eligibility criteria referred to in article 5 of this document, where new circumstances or developments or any evidence of which the member of the Identification Commission who ruled on the case was not aware justify reconsideration of their case;

(iv) Anyone whose name appears on the revised list, established by the Identification Commission in 1991, of persons included in the 1974 Spanish census in Western Sahara who has not been convoked for identification by the Identification Commission and who expressed the desire to be convoked prior to 3 September 1998.

2. Appeals against inclusion: Such appeals may be made by anyone whose name appears on the provisional list of persons eligible to vote in the referendum and who wishes to challenge an individual's inclusion in this list:

(i) If the person's inclusion was based on mistaken identity;

(ii) If the person does not meet any of the criteria referred to in article 5.

10. Form of the appeal

(a) Applicants must submit an application containing all the necessary and relevant information in person to one of the field offices listed in article 6 (b), by mail to one of three post office boxes established for that purpose or through the intermediary of one of the parties, and must attach the

original or a certified copy of any necessary and relevant document in support of their application;

(b) The Identification Commission shall provide potential applicants, free of charge, with the application forms, which must be available in French, Arabic and Spanish in each of the field offices mentioned in article 6 (b);

(c) Use of the application form is compulsory.

11. Date and place of submission of applications

(a) In accordance with the current procedures, all appeals must be submitted in person to any of the Identification Commission field offices mentioned in article 6 (b) or sent, by mail, bearing the sender's return address, to one of the three centres at Post Office Box ..., Laayoune, Post Office Box ..., Tindouf and Post Office ..., Nouadhibou, or through the intermediary of one of the parties. Applicants must submit their appeals within six weeks from the date of publication by the Special Representative of the part of the provisional list of persons eligible to vote in the referendum, which concerns them.

(b) The Identification Commission shall date stamp all applications and record them in a register as they are received, verifying the number and type of documents attached;

(c) In order to permit strict monitoring of the receipt of applications and verification of the supporting documents, the registers shall include mention of the name of the Commission official who recorded the application; a receipt shall be issued for each application;

(d) Anyone whose inclusion in the provisional list has been challenged shall be informed as soon as possible by the Commission, with the help of the parties, of the grounds on which his inclusion is being challenged;

(e) Anyone appealing against non-inclusion or whose inclusion in the provisional list has been challenged shall have a right to see the information contained in his file.

12. Admissibility of applications

(a) The field offices shall carry out an initial review of applications and shall inform the Appeals Chamber as to whether an application meets the criteria set forth in article 10 (a) above;

(b) The sections of the Appeals Chamber established under article 14 (a) shall conduct a technical review of the admissibility of applications prior to consideration of the substance thereof under articles 13 and 14;

(c) The Observer for the Organization of African Unity and the parties shall each be invited to send an observer to the meetings devoted to the

admissibility review, but the observers shall not be present when the vote is taken. The appeals section shall take a decision on admissibility and shall inform the parties thereof; the latter shall have one week in which to communicate their comments and observations to the section in question. At the end of that process, the section shall issue a final decision on admissibility;

(d) Applicants whose applications have been ruled inadmissible, shall receive written notification of the Identification Commission's decision, and of the reasons therefor at the return address provided. A copy shall be sent to the parties.

13. Hearing on the substance

Hearings on the substance of applications shall be held before a section of the appeals body in accordance with article 14 once the application has been declared admissible under article 12.

14. The Appeals Chamber

(a) The Identification Commission shall establish an Appeals Chamber composed of several sections. Each section shall be composed of three persons, none of whom may have participated, either as a member of the Identification Commission or as a registrar, in the original decision which is being contested. Each section shall be presided over by a senior officer of the Identification Commission; the two other persons shall be either members of the Identification Commission or Identification Commission registrars.

(b) Decisions shall be taken by a majority vote of the section members.

(c) Section hearings shall be strictly confidential. Only the above-mentioned persons shall have a right to attend, and only at the stages to be determined.

(d) The OAU Observer and the parties shall each be invited to send an observer to the section hearings, but such observers may not be present during the section vote.

(e) The two sheikhs appointed by the Identification Commission for each of the tribal groupings concerned shall attend the hearings on the substance as expert witnesses but may not be present during the section vote.

(f) Applicants shall be invited to attend the hearing; they shall have the right to present their case, explain the grounds thereof and make any statement in support of their appeal. Persons whose application for inclusion in the provisional list has been challenged shall be invited to attend the hearing and have the right to put forward any argument and to make any statement in support of their continued inclusion.

(g) The sections shall issue their decisions, in writing and accompanied by a statement of reasons, within 10 days of the end of the hearing. Any

comments by the parties shall be taken into account. Decisions shall be communicated to the parties, via their respective coordinators, and to the applicant at the latter's last known address.

(h) The decisions of the section of the Appeals Chamber shall be final and without appeal and shall be filed as such.

(i) The minutes of the hearings shall be retained by the Identification Commission for a period of two months after the end of the deliberations. They shall then be held by the United Nations and may be consulted only by the applicant and the person whose inclusion was challenged. In any event, the United Nations shall hold all documents under conditions of confidentiality.

15. Cooperation with the parties

The Identification Commission shall be responsible for implementation of the appeals procedures. However, the parties must cooperate in carrying out all related activities and, in particular, must:

(a) Provide the Commission with the necessary premises, housing for the Commission staff, sheikhs and observers and all facilities required for the appeals process;

(b) Ensure that all applicants or persons whose inclusion in the provisional list has been challenged and any other persons engaged in the Commission's work have the right to enter and leave the premises of the field office for the duration of the hearing or of their business with the Commission.

Operational directives for implementation of the appeals process

These operational directives have been established by the Identification Commission in order to determine the procedures for initiation of the appeals process, filing and processing of appeals and review of their admissibility, hearings on the substance of applications, and Commission programming and planning in cooperation with the parties.

I. Initiation of the appeals process

1. The appeals procedures shall enter into force on 15 July 1999, the date of publication of the first part of the provisional list of persons eligible to vote in the referendum under articles 4 and 5 of the appeals procedures. The subsequent parts of the provisional list shall be published after any remaining applicants have been identified on a case-by-case basis.

2. Each part of the provisional list of persons eligible to vote in the referendum shall be available for consultation by any interested persons in each of the designated centres as from the date of its publication and shall be communicated to the parties and the OAU observer in written form and on

diskette. The provisional list shall include, for each person, the application number, the applicant's full name, his or her mother's given name, his or her date of birth, sex, genealogical code and current address and the centre where he or she was identified.

3. Where necessary, the parties shall facilitate the Commission's access to the media, including radio, television and the local press, so that it can inform potential applicants of the deadlines for filing appeals, the availability of application forms and the documents to be submitted along with such applications: proof of identity, including the receipt issued at the time of identification or the number of the identification form.

4. A file transcript shall be provided, upon request, to an applicant under article 9.1 (iii) of the appeals procedures, or to anyone whose inclusion in the provisional list has been challenged under article 9.2. A sample file transcript is appended to this document as Annex 1. Applicants under article 9.1 (iii) of the appeals procedures and persons whose inclusion in the provisional list has been challenged under article 9.2, may have access to their files in order to examine the contents thereof by submitting a request to one of the established centres. If the file is not immediately available, it shall be made available for examination within five working days.

II. Filing of appeals

5. Appeals shall be filed with the Identification Commission by submitting the appeals application. The application must include the applicant's personal information, the number of the registration form, the grounds for the appeal and a list of the supporting documents provided. The applicant must swear to the accuracy of the information contained in the application and sign it.

6. Applicants shall receive, in person when filing the application, by mail or through the intermediary of one of the parties, a receipt containing the following information:

- The date and series number of the receipt and the name of the centre at which the application form was received;

- The number of the applicant's registration form and the grounds for the appeal under article 9 of the appeals procedures;

- The name of the official who received the application.

7. In the case of oral testimony, the witness shall fill out a witness's form, which shall be submitted by the applicant together with the application form. The witness's form shall include the witness's personal information and relationship to the applicant and a summary of the evidence provided in the testimony. The witness must swear to the accuracy of the information contained in the form and sign it.

8. The Commission shall provide applicants and the parties with the necessary forms for distribution.

III. Locations and deadlines for the filing of appeals

9. Applicants shall fill in their appeal forms and submit them in person at one of the centres indicated in article 6 (b) of the appeals procedures, or by mail, addressing the form to one of the three centres of the Identification Commission at Laayoune, Post Office Box ....., Tindouf, Post Office Box ....., or Nouadhibou, Post Office Box ....., or through the intermediary of one of the parties.

10. Processing of appeal forms shall begin on the date of publication of the relevant part of the provisional list and shall continue for six weeks. The Commission shall not accept forms submitted after the specified time limit, and the forms shall be returned to the sender.

IV. Working hours and staff of the centres

11. All the designated centres shall be open five days a week (from Monday to Friday), seven hours a day, during the six-week period specified for the processing of appeal forms. The Commission shall determine the opening hours at each designated centre and shall announce them throughout the form processing period.

12. At each designated centre there shall be at least two officials of the Identification Commission, one of whom shall be either a member of the Commission or an official in charge of registration, and the other a registration agent.

V. Handling of the appeals at the centres

13. The staff of the centres shall be available to help applicants complete the appeal forms in conformity with the provisions indicated above.

14. The personnel of the centre shall conduct an initial review of the appeal forms in order to verify their conformity with the formal provisions of article 10 (a) of the appeals procedures and paragraph 5 of the present guidelines.

15. The appeal forms lodged with the centres shall be sent to the office of the Identification Commission at Laayoune or Tindouf, with comments attached in each case where the requisite conditions for the filing of appeals have not been met.

VI. The Appeals Chamber and the sessions

16. The sections of the Appeals Chamber shall decide on the admissibility of an appeal in accordance with the provisions of article 12 (b) of the appeals procedures, and shall decide on its validity in accordance with the provisions of articles 13 and 14 of the appeals procedures.

17. In the case of exclusion from the provisional list, appeals shall normally be heard at the centre where the applicant was identified or at the centre closest to his residence, or elsewhere with the consent of the parties. In cases involving inclusion in the provisional list, the appeal shall be heard at the centre closest to the residence of the person being challenged.

18. Sessions of the sections of the Appeals Chamber shall be scheduled in each designated centre, by tribal grouping. Notice of the sessions scheduled and the list of appeals (including the various grounds for appeal, the names of the applicants and the names of persons whose inclusion in the provisional list is challenged) shall be made available to the parties and to OAU at least one week prior to the session. In the case of an appeal against inclusion, the Commission, with the assistance of the parties, shall, at least two weeks before the scheduled hearing, inform the person concerned that his inclusion in the provisional list has been challenged.

19. At the start of the session, the official in charge of registration shall announce the order of the weekly session, that is to say the number of appeals and the grounds for them. The work of the session shall begin with the consideration of admissibility.

Admissibility

20. Consideration of the admissibility of an appeal shall be conducted by the section of the Appeals Chamber on the basis of the documents filed and available - the appeal form and the supporting documentation, if any, which may include the relevant witness' forms and the identification file. The members of the section of the Appeals Chamber shall examine the documents submitted and those available in the file, and shall withdraw to deliberate and vote on the admissibility of the appeal.

21. Admissibility shall be considered from the technical standpoint. Accordingly, an appeal shall be deemed inadmissible if:

(a) The appeal form is not lodged within the six-week time limit as provided for in article 11 (a) of the appeals procedures; or

(b) The appeal form is not drawn up in accordance with the provisions of article 10 (a) of the appeals procedures; or

(c) The applicant was not, under the terms of article 8 of the appeals procedures, entitled to file an appeal; or

(d) The applicant has not demonstrated

(i) In the case of an appeal against non-inclusion:

- That a form requesting identification was submitted to the Identification Commission prior to 13 November 1997, and that the Commission failed to convoke him; or

- That prior to or within 30 days following the date of his convocation, a written communication was addressed to the Commission explaining that his failure to appear was for reasons beyond his control; or

- That the member of the Commission who ruled on the case was not aware of the subsequent circumstances or developments or of any facts cited in support of the appeal; or

- That his name appears on the revised list of persons included during the 1974 census, that he expressed, prior to 3 September 1998, the desire to be convoked and that he has not been convoked for identification; or

(ii) In the case of an appeal against inclusion, that the name of the applicant is included in the provisional list.

22. Decisions regarding admissibility shall be immediately and publicly announced by the section of the Appeals Chamber in the presence of the observers of the parties and of OAU. The section of the Appeals Chamber shall then, in the case of appeals deemed admissible, proceed with hearings on the substance. The parties shall have the opportunity of submitting their comments during the seven days following the decision by the section of the Appeals Chamber.

23. Following that period, the section of the Appeals Chamber shall render its final decision regarding the admissibility of the appeal. If it decides that an appeal is not admissible, the section of the Appeals Chamber shall provide the grounds for its decision in writing, and shall communicate them to the applicant and, as appropriate, to the person whose inclusion in the provisional list was challenged, at his last known address. A copy of the decision shall also be sent to the parties.

Hearings on the substance

24. For each session at each designated centre, the Commission shall draw up a convocation list by tribal grouping for the hearings on the substance, and shall communicate it to the parties and to OAU at least one week prior to the session. The Commission shall aim at holding 20 to 25 hearings a day.

25. The Commission shall progressively publish a projected programme showing for indicative purposes the dates, locations and scheduled duration of the hearing of the appeals coming from each tribal grouping concerned.

26. Proceedings on the substance shall be oral in nature.

27. The hearings on the substance of an appeal on the grounds described in article 9.5 (i), (ii) and (iv) of the appeals procedures shall be held in accordance with the procedures governing the identification process. The only witnesses shall be the two sheikhs designated for the tribal grouping concerned.

28. Hearings on the substance of an appeal on the grounds described in article 9.1 (iii) of the appeals procedures shall be conducted in the presence

of the applicant, the two sheikhs designated for the tribal grouping concerned and one observer each from each of the parties and from OAU.

29. Oral testimony shall be heard by the section of the Appeals Chamber when it is presented, in accordance with the provisions of article 9.1 (iii) of the appeals procedures, as a new circumstance or fact which was not known to the member of the Commission who ruled on the case.

30. There may be no more than two witnesses per applicant or per person whose inclusion in the provisional list is challenged. All testimony shall be given under oath.

31. Hearings on the substance of appeals on the grounds referred to in article 9.2 of the appeals procedures shall be held in the presence of the applicant, the person whose inclusion in the provisional list is challenged, the two sheikhs designated for the tribal group concerned and one observer each from each of the parties and from OAU.

32. The section of the Appeals Chamber shall reject any appeal based on the provisions of article 9.2 of the appeals procedures if the applicant is not present at the time and at the centre scheduled for the hearing.

33. The parties may submit written observations supporting or opposing an appeal, either before the hearing or before the end of the hearing.

34. In an appeal against non-inclusion or inclusion, the burden of convincing the section of the Appeals Chamber of the validity of his appeal shall rest with the applicant. A person whose inclusion in the provisional list is challenged shall have the right to make any statement in support of the decision taken by the Commission, bring out all information which serves that purpose, and present up to two witnesses.

35. In considering the probative value of the testimony provided in support of any of the five criteria of admissibility to vote, the section of the Appeals Chamber shall take into account the witness's personal knowledge of the circumstances or facts referred to, and whether the circumstances or facts were or were not known at the time of the Commission's initial decision.

36. The witness shall be invited to appear before the section of the Appeals Chamber in order to present his testimony. The sheikhs who were present during the initial hearing of the Identification Commission or their replacements designated in accordance with established practice may put questions to the applicant and the witness. The witness shall withdraw once his testimony has come to an end. The sheikhs shall then be invited to make comments.

37. The section of the Appeals Chamber shall reverse the initial decision of the Identification Commission if it is convinced that the probative value of the oral or written testimony submitted prevails over the testimony previously given by the applicant and by either sheikh, and over any other information available to the Commission.

38. At the conclusion of the hearing, the members of the section of the Appeals Chamber shall withdraw in order to deliberate, and shall issue their decision within a maximum period of ten days. Decisions of the sections of the Appeals Chamber shall be taken by majority vote. The decisions shall be final and not subject to appeal, and shall be archived as such.

39. The decision in respect of any appeal shall be communicated in writing to the applicant and, as appropriate, to the person whose inclusion in the provisional list was challenged, at his last known address, as well as to the parties and to OAU.

40. If an appeal against non-inclusion is accepted, the name of the applicant shall be added to the provisional list. In the case of acceptance of an appeal against inclusion, the name of the person challenged shall be deleted from the provisional list.

Time-frame for the implementation of the Settlement Plan

Before 14 May 1999	Agreement by the parties on the arrangements for:
	a. The identification of the remaining applicants from tribal groupings H41, H61 and J51/J52, beginning on 15 June 1999, and the appeals process, beginning 15 July 1999.
14 May 1999	The Security Council extends the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO).
17 May 1999	Resumption of the pre-registration operations by the Office of the United Nations High Commissioner for Refugees (UNHCR) in the Tindouf camps.
15 June 1999	a. Resumption of identification.
	b. Agreement by the parties on the arrangements for planning the repatriation of the refugees.
15 July 1999	a. Publication of the first part of the provisional list of persons authorized to vote.
	b. Start of the appeals process.
August 1999	c. The Security Council authorizes the Secretary-General to carry out preparatory work for the complete deployment of MINURSO, in anticipation of the transition period.

30 November 1999	a. End of identification. b. Publication of the last part of the provisional list. c. Establishment of the Referendum Commission.
28 February 2000	End of appeals.
6 March 2000	a. Beginning of the transition period. b. Publication of the list of persons authorized to vote. c. Beginning of the repatriation of the refugees authorized to vote and their immediate families.
10 July 2000	a. End of repatriation. b. Beginning of the referendum campaign.
31 July 2000	Referendum.